



1200 19<sup>th</sup> Street, N.W.  
Suite 500  
Washington, DC 20036  
(202) 391-2394

EX PARTE – FILED ELECTRONICALLY

March 4, 2004

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: Petitions for Forbearance of Verizon, SBC, Qwest and BellSouth, CC Docket No. 01-338 and WC Docket Nos. 03-260, 03-235, 03-220, 03-157, and 03-189

Dear Ms. Dortch,

On March 3, 2004, I had a meeting with Matt Brill, Office of Commissioner Abernathy to discuss the above-captioned matter. I explained Z-Tel's position that Bell operating companies were subject to an independent legal obligation to provide loop transmission, transport, and switching, both for broadband and for narrowband elements. I also explained that section 271(c)(1) clearly (and emphatically) states that Bell operating companies are required to implement the section 271 "competitive checklist" through state-approved interconnection agreements or SGATS. While the FCC certainly has the authority to enforce the provisions of Section 271, state commissions also have a statutory role in implementing the checklist provisions. I also explained that the FCC's authority over Section 201 and 202 extends only to "interstate" and "foreign" communications services, and that under the Section 3 separation process, state commissions have authority over rates, terms and conditions over "intrastate" services.

Sincerely,

s/Thomas M. Koutsky  
Vice President, Law and Public Policy  
Z-Tel Communications, Inc.  
(202) 955-9652

cc: Matt Brill, FCC